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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,267	01/11/2002	John William Richardson	PU020012	7851

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EXAMINER

PHAN, MAN U

ART UNIT

PAPER NUMBER

2665

DATE MAILED: 08/13/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

CPH

Office Action Summary

Application No.
10/044,267

Applicant(s)
Richardson et al.

Examiner
Man Phan

Art Unit
2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jan 11, 2002
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Jun 7, 2002 is/are a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

DETAILED ACTION

1. The application of Richardson et al. for a "Method and system for notifying customer of voicemail using an ATM signaling channel from an ATM/DSL head-end network" filed 01/11/2002 has been examined. Claim 1-14 are pending in the application.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: references (PC 6) and (line 32) as described in the specification (page 6, lines 25 and 15 respectively) for Fig. 1.

A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set

forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1, 4-9 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeNap et al. (US#6,407,997) in view of Robrock, II (US#5,600,643).

With respect to claim 1, DeNap et al. discloses a novel system and method for providing remote configuration of CPE in an ATM/DSL environment according to the essential features of the claim. DeNap teaches in Figs. 1 and 4 block diagrams illustrated an ATM/DSL network comprising customer premise equipment (CPE 121), which delivers DSL service to the customer; a voice mail server (473) disposed remotely from the CPE (124) for storing voice message left for at least one customer, and a service controller (*session manager* 472) for managing system traffic (Col. 3; lines 51 plus and Col. 7, lines 26 plus). Furthermore, Fig. 4 is a block diagram illustrated the system

operation of an ATM switch, in which residential communication hub (121), telephony hub (124), ATM switch (123) and the DSL mux (122) communicate using the ATM/DSL format (See Figs. 1-4). The combination of the provider agent and session manager provides numerous incoming call management capabilities. Based on these capabilities, the users can establish their own preferences and policies. The system manager 472 (*service controller*) would know which calls to route to voice mail based on the caller's identity. For such a call, the provider agent will not need to get a call message from session manager 472. On the other hand, the logic discussed above that handles which phone(s) to alert will be encapsulated in the provider agent (Col. 8, lines 38 plus). However, DeNap does not expressly disclose an ATM signaling channel is employed to notify the CPE that the voicemail is awaiting to be retrieved. In the same field of endeavor, Robrock teaches a method for providing enhanced capabilities for CPE, in which a network controller responds to the information in the signaling cells and establishes the necessary switched virtual connections in the ATM switch (*ATM signaling channel is employed to notify the CPE*) to provide the requested services (See Fig. 6B and the Abstract).

With respect to claims 4-5 and 7, Robrock disclose in Fig. 3 a system block diagram that illustrated the operation of the system in Fig. 1 or 2 when a request has been made for call connection service, in which as indicated in block 90, the calling party CPE 52 (FIG. 1) generates a signaling cell to request a connection to a called party 54 or a network device, e.g., a resource unit, at a defined address (directory number) with a defined bandwidth corresponding to voice, data, image, or video. As shown for block 92,

the ATM switch 51 routes the signaling cell through a permanent virtual circuit to the BIN-SCP 61 which, in block 94, acts on the cell information and processes the request for a call connection and thereafter generates a command cell for the ATM switch 51 to establish the connection. In addition, a signaling cell is generated for the called party (See Figs 6B & 8B; Col. 8, lines 6 plus).

With respect to claims 6 and 8, DeNap disclose in Fig. 4 illustrated the system operation in ATM/DSL head end network, in which the service controller is located at a central station, and wherein the customer access equipment includes one of a telephone (101, 102), a set top box and a display (See Fig. 3).

Regarding claims 9 and 11-14, they are method claims corresponding to the claims 1, 4-8 above. Therefore, claims 9 and 11-14 are analyzed and rejected as previously discussed with respect to claims 1 and 4-8 above.

One skilled in the art would have recognized the need for effectively and efficiently providing remote configuration of CPE in an ATM/DSL environment, and would have applied Robrock's novel use of the ATM signaling channel in the requested services into DeNap's teaching of the remote configuration of CPE in an ATM/DSL format. Therefore, It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to apply Robrock's broadband intelligent telecommunications network and method providing enhanced capabilities for CPE into DeNap's ATM system for providing telephony service with the motivation being to provide a method and system for notifying CPE devices of a voicemail message in an ATM/DSL.

6. Claims 2-3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeNap et al. (US#6,407,997) in view of Robrock, II (US#5,600,643) as applied to the claims above, and further in view of Malik (US#6,456,700).

With respect to claims 2 and 3, DeNap and Robrock disclose the claimed limitations discussed in paragraph 5 above. However, DeNap and Robrock et al. do not expressly disclose the claimed feature of the routing ATM signaling channel to an appropriate customer based on a telephone number associated with a voice mail box. In the same field of endeavor, Malik discloses in Figs 1a-1d illustrated a voicemail system (VMS) showing the interactions between a caller, a voicemail system and service node when the caller requests and receives a service, includes routing the ATM signaling channel to an appropriate customer based on a telephone number associated with a voice mail box (Col. 3, lines 21-34, and Col. 4, lines 61 plus). Furthermore, Robrock disclose in Fig. 6B graphically represents an ATM signaling cell employed to transmit a CPE request for a network download to the CPE. Signaling cells are preferably used to establish switched virtual connections through the ATM switch. Signaling cells generated by a calling CPE request a particular service and contain the information in their payload necessary to provide the requested service, such as to complete a connection to another CPE, i.e., calling party address, called party address, billing information, digital bandwidth required, personal identification number (PIN), Calling Card number, etc. Signaling cells can be identified by unique values of the VPI and VCI or by a unique payload type code. If desired, the recently developed Q.93B signaling protocol may be used with the BIN 50 (*for addressing the ATM signaling channel to the appropriate*

customer) (Figs 5B1-5B5; Col. 7, lines 23 plus).

Regarding claim 10, it's a method claim corresponding to the claim 2-3 above. Therefore, claim 10 is analyzed and rejected as previously discussed with respect to claims 2-3 above.

One skilled in the art would have recognized the need for effectively and efficiently providing remote configuration of CPE in an ATM/DSL environment, and would have applied DeNap's addressing the ATM signaling channel to the appropriate customer, and Robrock's novel use of the ATM signaling channel in the requested services into Vasamsetti's teaching of the remote configuration and on-demand management of a CPE over DSL network. Therefore, It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to apply DeNap's ATM system for providing telephony service, and Robrock's broadband intelligent telecommunications network and method providing enhanced capabilities for CPE into Vasamsetti's system and method for remote configuration and management of CPE over ATM with the motivation being to provide a method and system for notifying CPE devices of a voicemail message in an ATM/DSL

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The Stahl et al. (US#6,603,850) is cited to show the telephone line rollover

service for ATM/ADSL based systems.

The Detlef (US#6,351,523) is cited to show the method and apparatus for management of email originated by thin client devices.

The Szlam (US#6,359,892) is cited to show the remote access, emulation, and control of office equipment, devices and services.

The Gerzberg et al.(US#6,359,881) is cited to show the hybrid fiber twisted pair local loop network service architecture..

The Endo et al. (US#6,275,494) is cited to show packet switching system, packet switching network and packet switching method.

The DeNap et al. (US#6,490,273) is cited to show the ATM architecture migration

The Shaffer et al. (US#6,021,114) is cited to show the method and system for utilizing communication lines.

The Pandharipande (US#6,529,500) is cited to show the unified Messaging notification.

The Frankel et al. (US#6,075,784) is cited to show the system and method for communicating voice and data over a local packet network.

The Brilla et al. (US#6,389,276) is cited to show the system and method for providing voice mail notification from a separate voice mail system to mobilr telephone.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Phan whose telephone number is (703)305-1029. The

examiner can normally be reached on Mon - Fri from 6:30 to 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (703) 308-6602. The fax phone number for the organization where this application or proceeding is assigned is (703)305-3988.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

9. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to: (703) 305-9051, (for formal communications intended for entry)

Or: (703) 305-3988 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021

Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Mphan

08/01/2003.

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